

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE**

UNITED STATES OF AMERICA

v.

PRESTON ANDREW WATSON

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NO. 3:19-CR-144


REPORT AND RECOMMENDATION

Pursuant to 28 U.S.C. § 636(b), I conducted a plea hearing in this case on July 13, 2020. At the hearing, Mr. Watson was present by video teleconference, as was his attorney, Mr. Benjamin Sharp. Mr. Watson moved to withdraw his not guilty pleas to Counts One and Three of the Indictment and entered pleas of guilty to Count One of the Indictment, that is, production of child pornography, in violation of 18 U.S.C. §§ 2251(a) and (e), and Count Three of the Indictment, that is, distribution of child pornography, in violation of 18 U.S.C. § 2252A(a)(2). Mr. Watson entered this guilty plea in exchange for the undertakings made by the government in the written plea agreement.

On the basis of the record made at the hearing, I find the defendant is fully capable and competent to enter an informed plea; the plea is made knowingly and with full understanding of each of the rights waived by defendant; the plea is made voluntarily and free from any force, threats, or promises, apart from the promises in the plea agreement; the defendant understands the nature of the charge and penalties provided by law; and the plea has a sufficient basis in fact.

Therefore, in light of the agreement of the parties and the reasons stated by counsel on the record I **RECOMMEND**¹ that the Court find that the plea hearing in this case could not be further delayed without serious harm to the interests of justice. I further **RECOMMEND** that defendant's motion to withdraw his not guilty pleas to Counts One and Three of the Indictment be granted. I **RECOMMEND** that his pleas of guilty to Count One of the Indictment, that is, production of child pornography, in violation of 18 U.S.C. §§ 2251(a) and (e), and Count Three of the Indictment, that is, distribution of child pornography, in violation of 18 U.S.C. § 2252A(a)(2), be accepted. I **RECOMMEND** that the Court adjudicate Mr. Watson guilty of the charges in to Count One of the Indictment, that is, production of child pornography, in violation of 18 U.S.C. §§ 2251(a) and (e), and Count Three of the Indictment, that is, distribution of child pornography, in violation of 18 U.S.C. § 2252A(a)(2), and that a decision on whether to accept the plea agreement be deferred until sentencing.

I further **RECOMMEND** defendant remain in custody until sentencing in this matter. Acceptance of the plea, adjudication of guilt, acceptance of the plea agreement, and imposition of sentence are specifically reserved for the district judge.


C. Clifford Shirley,
United States Magistrate Judge

¹ You have the right to *de novo* review of the foregoing findings by the district judge. Any application for review must be in writing, must specify the portions of the findings or proceedings objected to, and must be filed and served no later than fourteen (14) days after the plea hearing. Failure to file objections within fourteen (14) days constitutes a waiver of any further right to challenge the plea of guilty in this matter. See 28 U.S.C. § 636(b).